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Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/88 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 7th to 10th, 17th, 26th and 28th meetings, from 2 to 4 and on 18 October and 6 and 7 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.7-10, 17, 26 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996[1]

Report of the Secretary-General on measures to eliminate international terrorism (A/57/183 and Corr.1 and Add.1)

Letter dated 16 April 2002 from the Secretary-General to the President of the General Assembly, containing the resolution adopted by the General Conference of the International Atomic Energy Agency entitled "Measures against illicit trafficking in nuclear materials and other radioactive materials" (A/57/66)

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 37* and corrigendum (A/57/37 and Corr.1).

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Letter dated 6 June 2002 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted at the 107th Conference of the Inter-Parliamentary Union, held in Marrakech, Morocco, from 17 to 23 March 2002 (A/57/84-S/2002/645)

Letter dated 14 June 2002 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the declaration signed at St. Petersburg on 7 June 2002 by the heads of State of the members of the Shanghai Cooperation Organization (A/57/88-S/2002/672)

Letter dated 10 July 2002 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General (A/57/203)

Letter dated 31 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General (A/57/269-S/2002/854)

Identical letters dated 1 August 2002 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, transmitting the report of the Policy Working Group on the United Nations and Terrorism (A/57/273-S/2002/875)

Letter dated 20 August 2002 from the Permanent Representative of Fiji to the United Nations addressed to the Secretary-General, transmitting the communiqué of the thirty-third meeting of the Pacific Islands Forum, held in Fiji from 15 to 17 August 2002 (A/57/331)

Letter dated 23 August 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/57/341-S/2002/950)

Letter dated 13 September 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/57/409-S/2002/1035)

Identical letters dated 15 September 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council (A/57/408-S/2002/1033)

Letter dated 17 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Secretary-General (A/57/411-S/2002/1036)

Letter dated 17 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Secretary-General (A/57/412-S/2002/1037)

Letter dated 17 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General (A/57/415-S/2002/1038)

Letter dated 19 September 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/419-S/2002/1049)

Letter dated 19 September 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (A/57/424-S/2002/1069)

Letter dated 25 September 2002 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General (A/57/423-S/2002/1065)

Letter dated 25 September 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/431-S/2002/1076)

Letter dated 27 September 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/438-S/2002/1089)

Letter dated 10 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/463-S/2002/1134)

Letter dated 22 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/495-S/2002/1186)

Letter dated 25 October 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General (A/57/500-S/2002/1205)

Letter dated 29 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/579-S/2002/1214)

Letter dated 31 October 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/57/585-S/2002/1220)

Report of the Working Group on measures to eliminate international terrorism (A/C.6/57/L.9)

5. Pursuant to paragraph 17 of General Assembly resolution 56/88, the Committee, at its 11th meeting, on 7 October, established a working group to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. At the same meeting, the Committee re-elected Rohan Perera (Sri Lanka) as the Chairman of the Working Group, which held two meetings, on 15 and 16 October.

6. At the 17th meeting, on 18 October, the Chairman of the Working Group on measures to eliminate international terrorism introduced the report of the Working Group (see A/C.6/57/SR.17).

II. Consideration of draft resolution A/C.6/57/L.22

7. At the 26th meeting, on 6 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/57/L.22) and orally revised the draft resolution by inserting after the tenth preambular paragraph a new preambular paragraph, reading:

> "*Mindful also* of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations."

8. At its 28th meeting, on 7 November, the Committee adopted draft resolution A/C.6/57/L.22, as orally revised, without a vote (see para. 10).

9. Before the adoption of the draft resolution, the representative of Pakistan made a statement in explanation of position (see A/C.6/57/SR.28).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[2]

Recalling also the United Nations Millennium Declaration,[3]

Recalling further all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of General Assembly resolution 56/88 of 12 December 2001, most recently those in Bali and Moscow, which prompted the adoption of Security Council resolutions 1438 (2002) of 14 October 2002 and 1440 (2002) of 24 October 2002 respectively,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Taking note of the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the

[2] See resolution 50/6.

[3] See resolution 55/2.

implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, wherein the Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Taking note of the final document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Cartagena de Indias, Colombia, on 8 and 9 April 2000,[4] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998,[5] calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and other relevant initiatives,

Bearing in mind the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000 and 56/88 of 12 December 2001 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Having examined the report of the Secretary-General,[6] the report of the Ad Hoc Committee[7] and the report of the Working Group of the Sixth Committee established pursuant to resolution 56/88,[8]

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[4] A/54/917-S/2000/580, annex.

[5] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[6] A/57/183 and Corr.1 and Add.1.

[7] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 37* and corrigendum (A/57/37 and Corr.1)

[8] A/C.6/57/L.9.

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call* upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;

4. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Further reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter of the United Nations, international law and relevant international conventions;

7. *Urges* all States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolution 1373 (2001), becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings[9] and the International Convention for the Suppression of the Financing of Terrorism,[10] and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to the conventions and protocols referred to in paragraph 7 above;

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[9] Resolution 52/164, annex.

[10] Resolution 54/109, annex.

9. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 7 of General Assembly resolution 56/88, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

10. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210, and calls upon all States to implement them;

11. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

12. *Welcomes* the efforts of the Terrorism Prevention Branch of the Centre for International Crime Prevention in Vienna, after reviewing existing possibilities within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and in this context takes note with appreciation of the report of the Secretary-General on strengthening the Terrorism Prevention Branch of the Secretariat,[11] requested by the General Assembly in its resolution 56/253 of 24 December 2001;

13. *Welcomes also* the publication by the Secretariat of the volume of the United Nations Legislative Series entitled *National Laws and Regulations on the Prevention and Suppression of International Terrorism*, Part 1,[12] prepared by the Codification Division of the Office of Legal Affairs pursuant to paragraph 10 (b) of the Declaration on Measures to Eliminate International Terrorism;[13]

14. *Invites* States that have not yet done so to submit to the Secretary-General information on their national laws and regulations regarding the prevention and suppression of acts of international terrorism, and notes in this regard the reports of Member States to the Security Council Committee established pursuant to resolution 1373 (2001);

15. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism;

16. *Welcomes* the important progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 56/88;

17. *Decides* that the Ad Hoc Committee shall continue to elaborate a comprehensive convention on international terrorism as a matter of urgency, and shall continue its efforts to resolve the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions

[11] A/57/152 and Corr.1 and Add.1 and Corr.1 and Add.2.

[12] ST/LEG/SER.B/22 — United Nations publication, Sales No. E/F.02.V.7.

[13] Resolution 49/60, annex.

dealing with international terrorism, and that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

18. *Decides also* that the Ad Hoc Committee shall meet from 31 March to 2 April 2003 to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and that the work shall continue, if necessary, during the fifty-eighth session of the General Assembly, within the framework of a working group of the Sixth Committee;

19. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

20. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-seventh session in the event of the completion of the draft comprehensive convention on international terrorism or the draft international convention for the suppression of acts of nuclear terrorism;

21. *Also requests* the Ad Hoc Committee to report to the General Assembly at its fifty-eighth session on progress made in the implementation of its mandate;

22. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Measures to eliminate international terrorism".